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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/624,955	07/25/2000	Kazuyuki Murata	10873.108USD3	7440

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Merchant & Gould P C
P O Box 2903
Minneapolis, MN 55402-0903

EXAMINER

LAMB, TWYLER MARIE

ART UNIT	PAPER NUMBER
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2622

DATE MAILED: 11/21/2003

17

Please find below and/or attached an Office communication concerning this application or proceeding.

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Advisory Action

Application No.

09/624,955

Applicant(s)

MURATA, KAZUYUKI

Examiner

Twyler M. Lamb

Art Unit

2622

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 24 October 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
- b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☒ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☒ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: (See continuation sheet.).

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☐ The a) ☐ affidavit, b) ☐ exhibit, or c) ☐ request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☒ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: 31-47.

Claim(s) withdrawn from consideration: _____.

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: _____

TWYLER LAMB
PATENT EXAMINER

Response to Arguments

1. Applicant's arguments filed 10/24/03 have been fully considered but they are not persuasive.

Applicant argues that the removable storage medium of Nagashima fails to teach storing image data and print control parameters that control printing of the image data, as required by claims 31 and 39. Applicant further argues that the image data disclosed by Nagashima is supplied by the reader 21 and not from the non-volatile storage area 3.

The present invention is drawn to a printer with the functions of offline image input and output using a removable storage medium. The printer has a means for retrieving print control parameters and image data stored in removable storage medium when the medium is connected to the means for retrieving.

Nagashima teaches an image processing apparatus, such as a copier having the above claimed limitations as will be further detailed below.

Referring to Figure 1, the digital image processing unit (2) reads on the claimed printer. The digital image processing unit has a storage medium (which reads on non-volatile storage (3)) that stores print control parameters (which reads on an integral program which overall facilitates control of the apparatus) (col 2, line 64 – col 3, line 26) and image data (which reads on the extracted desired portion of the image) (col 2, line 64 – col 3, line 1), interface (I/F) (207) that retrieves output control parameters (which reads on an integral program) and the image data (which reads on the extracted desired portion of the image) when the storage medium (non-volatile storage medium (3)) is

connected to the means for retrieving (which reads on non-volatile storage (3) being connected to the digital processing unit (2)) (col 3, lines 4-7). Nagashima further expounds on the image data being stored in the non-volatile storage (3) when it discusses controlling the data reading from a data storage into the non-volatile storage (3) (col 3, lines 61-63).

Applicant further argues the "integral program" of Nagashima differs from the print control parameters of 31 and 39 because it is dependent on a particular type and manufacture of a printer. Applicant states in the arguments, that in contrast, the print control parameters of claims 31 and 39 can be handled as general information that is independent from the type of manufacturer of a printer and that as a result it is improper to compare the integral program disclosed in Nagashima with the print control parameters of claims 31 and 39.

No where in the claim does it specifically state that the print control parameters are independent from the type of manufacturer of a printer. Applicant appears to be arguing limitations that are not claimed.

In view of the above discussion, it is clear that rejections made using Nagashima meets the limitations, thereby constituting a proper 102 rejection.

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Twyler Lamb whose telephone number is 703 - 308-8823. The examiner can normally be reached on M-TH (8:30-5:00).

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward L Coles can be reached on 703-308-4712. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9306 for regular communications and 703-872-9314 for After Final communications.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, DC 20231

or faxed to:

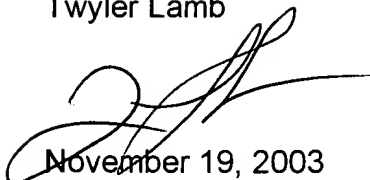
(703) 872-9314

(for informal or draft communications, such as proposed amendments to be discussed at an interview; please label such communications "PROPOSED" or "DRAFT")

or hand-carried to:

Crystal Park Two
2121 Crystal Drive
Arlington, VA.
Sixth Floor (Receptionist)

Twyler Lamb



November 19, 2003